MEMORANDUM

TO: Board of Professional Counselors and Marriage & Family Therapists

CC: Rayola Jacobsen, Chief, Bureau of Occupational Licenses
          John Kersey, Chief Investigator

FROM: Stephanie N. Guyon, Deputy Attorney General

DATE: May 4, 2004

RE: Recommended Action on Disciplinary Complaints

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1.   COU-L4-04-01-003

Allegation: Complainant, Respondent's former employer, alleged Respondent misrepresented herself as an LPC-P, violated clients' confidentiality, and solicited clients.

Facts: The investigation did not reveal any evidence that Respondent misrepresented herself as an LPC-P or that she solicited former clients. As to the allegation that Respondent violated clients' confidentiality, the investigation revealed that while Respondent was employed by Complainant, she received at least two written reprimands concerning her lack of confidentiality. After Respondent left Complainant's employ, Complainant stated she was approached by several clients who informed her of Respondent's breaching confidentiality and other unprofessional conduct, such as discussing her personal and sex life with clients and co-workers. Complainant provided the investigator with written statements from 16 former clients and co-workers supporting Complainant's allegations. In her written statement to the allegations, Respondent stated that the allegations are ludicrous and that her former employers have manipulated clients and staff members into saying what they want them to say. Respondent provided letters from four current clients and an LSW co-worker, as well as two supervising LPC's, attesting to Respondent's professionalism.

Recommendation: Although Respondent can provide character witnesses, it does not discount the statements of former clients and co-workers. Except for saying that they were manipulated by her former employer, Respondent has failed to adequately address the allegations contained in 16 written statements.   Therefore, this office would appreciate direction from the Board as to appropriate settlement parameters.